IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 2765 of 1996

Between:

1 Challa Ganga Raju S/o late Appala Swamy
Koppara (V0, Vangara (M),
Srikakulam Dist.
2 Gunta Mukkala Trinadham S/o late Ankayya
Koppara (V0, Vangara (M),
Srikakulam Dist.

..... PETITIONERS

AND

1 The Director, Handlooms and Textiles, Hyderabad
2 The Asst. Director of Handlooms & Textiles, Srikakulam
3 Sri Mallikarjuna Swamy Weavers Co-op. Society Ltd., rep. by President
Koppara (V), Vangara (M), Srikakulam Dist.
4 Sri Dasari Sangam, the President of Sri Mallikarjuna Swamy Weavers Co-op.

Society Ltd. Koppara (V), Vangara (M), Srikakulam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to continue these petitioners in service w.e.f. 30-12-95 paying the salary etc., as usual, treating them as regular employees of the Society, and to direct the respondents 1 & 2 to exercise their powers of supervision over the respondents 3 & 4 insisting the continuance of the services of these petitioners; declaring, that the resolution dt: 30-12-95 said to have been passed by the 3rd respondent Society is highly arbitrary, improper, contrary to law, opposed to the fundamental rights, and the principles of natural justice.

Counsel for the Petitioner:MR.D.RAMALINGA SWAMY

Counsel for the Respondent Nos 1 & 2.: GP FOR COOPERATION

Counsel for the Respondent No.4: Mr.A.Ravi Sankar

The Court made the following:

ORDER:

Petitioners were appointed by the third respondent-Weavers Cooperative Society Limited in June, 1990 and July, 1988 as a clerk and peon respectively. The services of both the petitioners were said to have been regularized in 1993 and 1990 respectively. However, by an order dated 30.12.1995 a copy of a resolution of the Managing Committee of the third respondent-Society, was communicated to the petitioners removing them from service "temporarily". The communication from the President of the third respondent-Society stated that the removal had become necessary on account of the poor financial position of the Society. Assailing the order, dated 30.12.1995, this writ petition is filed.

It is neither pleaded nor demonstrated before this Court that the third respondent-society is an agency or the instrumentality of the State within the meaning of Article 12 of the Constitution of India. An order of removal passed by such an authority or establishment, does not call for interference or adjudication by this Court under Article 226 of the Constitution of India. This writ petition is hopelessly misconceived and is accordingly rejected. No order as to costs.

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GODA RAGHURAM, J

November 17, 2004.

YCR

To

1. The Director, Handlooms and Textiles, Hyderabad
2. The Asst. Director of Handlooms & Textiles, Srikakulam
3. The President, Sri Mallikarjuna Swamy Weavers Co-op. Society Ltd.,

Koppara (V), Vangara (M), Srikakulam Dist.

4. 2 C.D. copies.